

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

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In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

(Jointly Administered)

**Re: Docket # 20789**

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**FERROVIAL AGROMAN, LLC AND FERROVIAL AGROMAN. S.A'S RESPONSE TO  
THE FOUR HUNDRED FIFTY-EIGHT OMNIBUS OBJECTION (SUBSTANTIVE) OF  
THE COMMONWEALTH OF PUERTO RICO AND THE PUERTO RICO HIGHWAYS  
AND TRANSPORTATION AUTHORITY TO MISCLASSIFIED CLAIMS**

TO THE HONORABLE JUDGE LAURA TAYLOR SWAIN:

COME NOW FERROVIAL AGROMAN, LLC ("FALLC") and FERROVIAL AGROMAN. S.A. ("FASA") represented by the undersigned attorney and respectfully sets forth and prays:

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

1. That on May 13, 2022, the Commonwealth of Puerto Rico (the “Commonwealth”) and the Puerto Rico Highways and Transportation Authority (“HTA”) filed the Four Hundred Fifty-Eight Omnibus Objection (docket # 20789) (substantive) to the claims listed in Exhibit A (docket # 20789-1).

*Ferrovial Agroman, LLC's Claim No. 24230*

2. That FALLC's claim number 24230 in the amount of \$15,092,433.07 was listed in Exhibit A, item 4 attached to the Four Hundred Fifty-Eight Omnibus Objection to Claims.

3. FALLC included in claim number 24230 the amount of \$839,442.86 as a secured portion of the total amount claimed.

*Ferrovial Agroman, S.A's Claim No. 17738*

4. That FASA's claim number 17738 in the amount of \$24,681,094.64 was listed in Exhibit A, item 5 attached to the Four Hundred Fifty-Eight Omnibus Objection to Claims.

5. FASA included in claim number 17738 the amount of \$1,812,052.07 as a secured portion of the total amount claimed.

6. That the Commonwealth and HTA's Four Hundred Fifty-Eight Omnibus Objection does not contest the total amount claimed by FALL and FASA and is limited to reclassify the secured portion claimed by FALLC in claim number 24230 and by FASA in claim number 17738 as a general unsecured claim.

***Reservation of Rights***

7. That FALLC and FASA consent to the entry of judgment accordingly but notwithstanding reserve its right to amend their respective claims: *(i)* depending on the outcome and the different HTA construction projects that are at different stages of completion; and *(ii)* depending on the outcome of several extended overhead claims that they have against HTA.

WHEREFORE FALLC and FASA hereby consent to the entry of judgment according to the Four Hundred Fifty-Eight Omnibus Objection (docket # 20789) (substantive) as to claims FALLC's claim number 24230 and FASA's claim number 17738, conditioned to the reservations of rights disclosed in paragraph 7 of the foregoing motion.

In San Juan, PR, this 9<sup>th</sup> day of June 2022.

**CERTIFICATE OF ELECTRONIC FILING AND SERVICE**

I hereby certify that on even date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: to all attorneys that have filed their respective notice of appearance and to the Standard Parties as such term is defined in the Court's Order Establishing Case Management Procedures, supra:

(i) Chambers of the Honorable Laura Taylor Swain (two copies shall be delivered to each chambers listed below):

United States District Court for the District of Puerto Rico  
150 Carlos Chardón Street,  
Federal Building, Office 150,  
San Juan, P.R. 00918-1767

-and-

United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., Suite No. 3212  
New York, New York 10007-1312

(ii) Office of the United States Trustee for Region 21  
Edificio Ochoa, 500 Tanca Street, Suite 301  
San Juan, PR 00901-1922

(iii) Puerto Rico Fiscal Agency and Financial Advisory Authority (AAFAF):

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And I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: to the members of the Creditors' Committee at their postal address of record.

In San Juan, Puerto Rico, this 9<sup>th</sup> day of June, 2022.

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*s/José F. Cardona Jiménez*

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